

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Tyrone Eric Gardner-Bey**
Docket No. **275058**
L.C. No. **05-000132-FC**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The delayed application for leave to appeal filed December 18, 2006, is DISMISSED for lack of jurisdiction because the application was not filed within 12 months of the September 2005 judgment of sentence as required by MCR 7.205(F)(3). MCR 7.205(F)(4) is inapplicable because the postjudgment judgment motion was not filed within 6 months of entry of the judgment of sentence, nor was the application filed within 21 days of the denial of the postjudgment motion. Furthermore, since defendant's initial request for counsel was granted and *Halbert* was decided even before defendant was sentenced, the time period to appeal started when the judgment of sentence was entered, not when counsel was appointed.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN - 5 2007

Date

Sandra Schultz Mengel
Chief Clerk